

**Item No. 11****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/10/02493/OUT</b>
<b>LOCATION</b>	<b>Unit 4, 5, 6, 7, 8, 9, 12, 13, 14, and 31 Humphrys Road, Dunstable, LU5 4TP</b>
<b>PROPOSAL</b>	<b>Development of industrial and warehouse unit(s) (within B1c, B2, B8 use classes) up to a maximum floor area of 45,057 sqm together with ancillary offices, service areas car parking and landscaping.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Regis</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Egan, Goodchild, Jones &amp; Williams</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>05 July 2010</b>
<b>EXPIRY DATE</b>	<b>04 October 2010</b>
<b>APPLICANT</b>	<b>Woodside Unit Trust &amp; Canmoor Developments Ltd</b>
<b>AGENT</b>	<b>Michael Sparks Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application with unresolved objections from Houghton Regis and Dunstable Town Councils</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Reasons for Granting** The proposal would provide an opportunity to encourage economic regeneration while reducing the physical impacts of this scale of building to acceptable levels.

**Recommendation**

That Planning Permission be GRANTED subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure the provision of a Travel Plan and developer contribution towards Public Art and subject to the following:

- 1 Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
  - access**
  - appearance**
  - landscaping**
  - layout; and**
  - scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 4.****REASON: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.**

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.  
REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 All reserved matters details for the development of new buildings hereby approved shall conform to the layout principles illustrated on drawing 30147/PL/103C and shall not exceed the maximum widths, lengths or heights above ground level specified thereon.  
REASON: To define this permission and to ensure that the development relates appropriately to the character of the area and is capable of providing an appropriate parking and landscaped area.  
Policies: BE8, T10 SBLPR.
- 4 This permission extends to a maximum 45,057m<sup>2</sup> floorspace (external measurement).  
REASON: This would be the reasonable capacity of the site having regard to the character of the area.  
Policies BE8, T10 SBLPR.
- 5 **Prior to the commencement of any phase of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:**
- 1) **A Phase I Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination,**
  - 2) **Where shown to be necessary by 1) a Phase II Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling,**
  - 3) **Where shown to be necessary by the Phase II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment,**
  - 4) **On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase IV validation report to incorporate photographs, material transport tickets and sampling.**

**Any remediation scheme and any variations shall be agreed in writing by the Local planning Authority prior to the commencement of works. this should include responses to any unexpected contamination discovered during works.**

REASON: To protect human health and the environment.

- 6 **No development shall commence until details of the proposed method of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the development is completed.**

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. (Environment Agency condition)

- 7 **Prior to the commencement of development hereby approved (or such other date or stage in development as may be approved in writing by the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by that Authority:**

- 1) **A preliminary risk assessment which has identified:**
  - **all previous uses**
  - **potential contaminants associated with those uses**
  - **a conceptual model of the site indicating sources, pathways and receptors**
  - **potentially unacceptable risks arising from contamination at the site.**
- 2) **A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- 3) **the site investigation results and the detailed risk assessment 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- 4) **A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.**

REASON: To ensure protection of controlled waters. (Environment Agency Condition)

- 8 **Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.**

REASON: To confirm that any remediation (if required) is completed to an acceptable standard. This is to ensure that the groundwater below the site (which is used to supply drinking water to the public) remains free from pollution. (Environment Agency condition)

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from that Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that any contamination that is not identified during site investigation is dealt with appropriately. (Environment Agency condition)

- 10 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: To ensure that any piling that is undertaken does not pollute the groundwater below the site (which is used to supply drinking water to the public). (Environment Agency condition)

- 11 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water, install of oil and petrol interceptors and roof drainage (sealed at ground level) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To ensure that suitable provision is made for both surface and foul drainage. It is important if mains drainage is being used, to make correct connections and obtain permission from the water company. It is advisable that systems are in place to prevent pollutants arising from the industrial site escaping into the wider surface water system, including groundwater below the site (which is used to supply drinking water to the public). (Environment Agency condition)

- 12 All plant, machinery and equipment, fixed or otherwise, installed or operated in connection with his permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS 4142:1997. Noise limits for new plant are to apply at a position 1m from the closest affected window of the relevant noise sensitive property. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

REASON: To protect neighbouring residents from any adverse impact from noise arising from internal or external plant on the premises.

- 13 The application of external materials to be used in any building hereby permitted shall conform to the design principles illustrated on drawing 30147-PL-111A and precise details of materials to be used shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the buildings, in view of their scale and potential dominance in the landscape, are sensitive to distant views from surrounding countryside.

- 14 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**REASON: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R).**

- 15 **Before development commences, a Waste Audit shall be submitted to and approved in writing by the District Planning Authority. Such Audit shall cover all wastes generated until completion of building and site works and shall include anticipated nature and volumes of waste that the development will generate, steps to incorporate the maximum amount of waste arising from the previous use of the land, steps to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage and recovery and recycling facilities, and steps to manage waste that cannot be incorporated within the development or that arises once development is completed.**

REASON: To provide suitable management of waste from the development.

- 16 A Sustainability Appraisal shall be submitted to the Local Planning Authority with the submission of reserved matters.

REASON: To demonstrate to the Local Planning Authority that sustainability issues have been fully taken into account and to inform the Authority of any matters which may need to be tied to any approval of reserved matters.

- 17 Development shall not begin until details of the junction of any proposed vehicular access with the highway have been approved by the Local Planning Authority and the building to which it relates shall not be occupied until the junction has been constructed in accordance with the approved details.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

18 Before any access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.  
REASON: To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them).

19 Visibility splays shall be provided at the junction of any access with the public highway, in accordance with the Design Manual for Roads and Bridges, before the building to which it relates is brought into use.

REASON: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

20 Any gates provided shall open away from the highway and be set back a distance of at least 5m (for cars), 17m (for HGVs) from the nearside edge of the carriageway of the adjoining highway.

REASON: To enable vehicles to draw off the highway before the gates are opened.

21 Before any new access is first brought into use, any existing access within the proposed frontage of the building to which it relates, not incorporated in the access hereby approved, shall be closed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

22 Before any building is occupied all on site vehicular areas to which it relates shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

23 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area within the curtilage of all premises taking access directly from the public highway.

REASON: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 24 No development shall commence until a wheel-cleaning facility has been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

REASON: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 25 The detailed layout plans to be submitted for approval as reserved matters in connection with this development shall illustrate a scheme for the parking of vehicles on the site. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the building to which the scheme relates is first occupied or brought into use and such spaces and land shall thereafter be retained for this purpose.

REASON: To ensure provision for car parking clear of the public highway.

- 26 Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.

REASON: To ensure safe operation of the surrounding road network in the interests of road safety.

- 27 Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

REASON: To ensure adequate off street parking during construction in the interests of road safety.

- 28 Any access in the position shown on the parameter plan..30147/PL/103C with the text "Car entrance only" or "Emergency entrance only" shall only be used for those purposes and shall not be otherwise used by commercial vehicles.

REASON: To minimise noise and disturbance to nearby residential properties.

- 29 **No development shall take place, including ground clearance, until a scheme for tree protection of all retained trees in accordance with BS5837:2005 "*Trees in relation to construction*" and including provision for supervision by a suitably qualified arborist has been submitted to and approved in writing by the Local Planning Authority. No development shall proceed except in accordance with such scheme and fences shall be kept in place until the completion of the development. Within the fenced area, nothing shall be stored or placed,**

**no fires shall be started, and no tipping, refuelling, disposal of solvents or cement mixing shall be carried out Any tarmac hardstanding which encroaches within the fenced area shall be broken out by hand, removed and fencing reinstated.**

REASON: To protect those trees which it is intended to retain.

- 30 **No development shall commence until details of the acoustic fence have been submitted to and approved in writing by the Local Planning Authority and the fence erected as there in approved.**

**Reason: To safeguard the amenities of local residential properties. Policy: BE8 SBLPR**

- 31 **No development shall commence, including demolition and site clearance, unless and until a scheme of site management in respect of demolition and site clearance of the whole site has been submitted to and approved in writing by the Local Planning Authority and the development shall precede only in full conformity of the approved scheme.**

**Reason: To safeguard the amenities of local sensitive receptors.**

- 32 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawings numbers 30147/PL/101, 13652\_OGL rev.0, 30147/PL/102 received 5/7/10; 30147/PL/103C, 30147/PL/111A received 26/10/10.

REASON: For the avoidance of doubt.

## **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

### **Bedfordshire Structure Plan 2011**

Policy 25 - Infrastructure

### **South Bedfordshire Local Plan Review**

BE8 Design and environmental considerations

E1 Main Employment Areas

T10 Parking - New developments

T11 Contributions - alternatives to parking.

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval



which is necessary must be obtained from the appropriate authority.

4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under S185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

It is recommended that petrol/oil interceptors be fitted to all car wash/parking/repair areas.

5. Further to condition 31, during the construction phase the developer is recommended to refer to the Mayor of London's Best Practice Guidance (BPG) *The Control of dust and emissions from construction and demolition*. The impacts upon air quality are likely to be in the 'High Risk' category and mitigation measures will need to be applied. It is recommended that normal working hours be 0800 - 1800 Monday to Friday, 0800 - 1300 Saturday and no working on Sunday, Bank Holidays and Public Holidays. Contractors should employ 'best practical means' as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites. For other information, including noisy activities, vehicles and equipment, contact: John Eden, Environmental Health Officer CBC.
6. It is recommended that regard be had to the Institution of Lighting Engineers Guidance Notes for the reduction of Obtrusive Light.
7. The applicant is advised that no works associated with the construction of a vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Amphill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of a vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
8. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.

9. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
10. The applicant is advised that the closure of existing access(es) shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access(es).

[Notes:-

1. In advance of consideration of the application the Committee were advised of consultation received as set out in the Late Sheet attached to these Minutes.
2. In advance of consideration of the application the Committee received representations made in accordance with the Public Participation Scheme.
3. Condition 29, on the main agenda, was renumbered as condition 32. Conditions 30 and 31 were new conditions.
4. Following the meeting condition 31 as written in the Late Sheet was reworded to condition 30 above.]